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Plaintiff TEAK WAREHOUSE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION \*E-FILED - 5/2/07\*

KINGSLEY-BATE LTD., a Delaware  
Corporation,

Plaintiff,

vs.

TEAK WAREHOUSE, INC., a California  
Corporation,

Defendant.

TEAK WAREHOUSE, INC., a California  
Corporation,

Counterclaim Plaintiff,

vs.

KINGSLEY-BATE LTD., a Delaware  
Corporation,

Counterclaim Defendant.

Case No. C-06-3946-RMW

**STIPULATION TO CONTINUANCE OF  
INTERIM CASE MANAGEMENT  
CONFERENCE AND EARLY NEUTRAL  
EVALUATION DEADLINE;**

**[PROPOSED] ORDER**

Interim CMC Date: February 23, 2007  
ENE Deadline: February 23, 2007

Complaint filed: June 26, 2006

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STIPULATION TO CONTINUE INTERIM CASE MANAGEMENT CONFERENCE AND EARLY NEUTRAL  
EVALUATION DEADLINE [C-06-3946-RMW]

1           **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3           This Stipulation is made pursuant to Fed. R. Civ. P. 6(b), Local Rule 16-2(e) and Local  
4 Rule 7-12 between Defendant and Counterclaim Plaintiff TEAK WAREHOUSE, INC  
5 (“Teak”), on the one hand, and Plaintiff and Counterclaim Defendant KINGSLEY-BATE, LTD.  
6 (“Kingsley”), on the other hand, through their undersigned counsel of record, with reference to  
7 the following:

8           A.     On October 27, 2006, an initial case management conference was duly held  
9 before the Court. Upon consideration of the matters raised therein, the Court ordered, *inter*  
10 *alia*, that:

- 11                     1.     An Interim Case Management Conference would be held on  
12                             February 23, 2007;
- 13                     2.     The parties would complete an Early Neutral Evaluation through the  
14                             Court’s ADR Program prior to the February 23, 2007 conference;
- 15                     3.     The parties shall conduct discovery within certain parameters for the  
16                             purpose of preparing for the Early Neutral Evaluation

17 (See Order entered on November 17, 2006 [Docket No. 23].)

18           B.     Pursuant to the Court’s Order, on December 19, 2006, Teak served written  
19 discovery requests on Kingsley by mail. Teak has stipulated to two extensions of time, for a  
20 total of seventeen days, for Kingsley to respond to these requests. Kingsley provided written  
21 responses on February 8, 2007, which Teak is currently reviewing. Teak will commence, if  
22 necessary, the meet and confer process on the sufficiency of the responses.

23           C.     The parties disagree as to when Initial Disclosures under Rule 26(a) were due.  
24 The parties initially agreed to exchange Initial Disclosures on February 5, 2007 when  
25 Kingsley’s written discovery responses were due. Teak’s position is that Teak did not expressly  
26 agree to another continuance of the exchange of Initial Disclosures when it agreed to extend the  
27 deadline for Kingsley’s written discovery responses to February 8, 2007. Kingsley’s position is  
28 that Teak’s agreement to the second extension included an agreement to continue the exchange

1 of Initial Disclosures. Accordingly, Teak served its Initial Disclosures on February 5, 2007, and  
2 Kingsley served its Initial Disclosures on February 8, 2007 with its written discovery responses

3 D. Teak and Kingsley have each noticed two depositions pursuant to the Order  
4 entered on November 17, 2006. The parties are coordinating the scheduling of these  
5 depositions.

6 E. The Stipulated Protective Order, which was lodged with the Court on  
7 October 16, 2006 and re-lodged on January 29, 2007, was approved and signed by the Court on  
8 February 12, 2007.

9 F. The parties agree that initial discovery as ordered by the Court will not be  
10 completed before the February 23, 2007 Interim Case Management Conference and Early  
11 Neutral Evaluation deadline. The parties further agree that initial discovery is important to  
12 ensuring that the Early Neutral Evaluation will be a constructive process that may promote a  
13 resolution of this action.

14 G. On January 31, 2007, the parties attended an Early Neutral Evaluation  
15 preliminary telephone conference with Evaluator Nathan Lane. The parties and Mr. Lane  
16 agreed that an extension of time to complete the Early Neutral Evaluation is necessary.

17 H. The parties and Mr. Lane extensively discussed, in consultation with their  
18 calendars, alternative dates for the Early Neutral Evaluation. The parties and Mr. Lane  
19 ultimately agreed to schedule an Early Neutral Evaluation for June 15, 2007, with Early Neutral  
20 Evaluation statements due on June 8, 2007.

21 I. Mr. Lane advised that according to ADR Case Administrator Alice M. Fiel, the  
22 parties may lodge a stipulation to such an extension, with proposed order, for the Court's  
23 approval.

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Accordingly, in order to promote the goals of judicial economy and fairness, the parties hereto hereby stipulate and agree as follows:

- 1 The parties will attend an Early Neutral Evaluation before Mr. Lane on  
June 15, 2007. Early Neutral Evaluation statements are due on June 8, 2007.
- 2 The Interim Case Management Conference is continued to June 22, 2007 at  
10:30 a m., or as soon thereafter as the Court's calendar permits.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: 16 Feb 2007, 2007

DAVID M. BASS & ASSOCIATES

By:   
David M. Bass  
Attorneys for Defendant and Counterclaim  
Plaintiff TEAK WAREHOUSE, INC

Dated: \_\_\_\_\_, 2007

ASKEW & ASSOCIATES

By: \_\_\_\_\_  
James A. Askew  
Attorneys for Plaintiff and Counterclaim  
Defendant KINGSLEY-BATE LTD.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2007

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1 Accordingly, in order to promote the goals of judicial economy and fairness, the parties  
2 hereto hereby stipulate and agree as follows:

- 3 1. The parties will attend an Early Neutral Evaluation before Mr. Lane on  
4 June 15, 2007. Early Neutral Evaluation statements are due on June 8, 2007
- 5 2. The Interim Case Management Conference is continued to June 22, 2007 at  
6 10:30 a.m., or as soon thereafter as the Court's calendar permits.

7  
8 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

9  
10 Dated: \_\_\_\_\_, 2007

DAVID M. BASS & ASSOCIATES

11  
12 By: \_\_\_\_\_

13 David M. Bass  
14 Attorneys for Defendant and Counterclaim  
Plaintiff TEAK WAREHOUSE, INC.

15 Dated: \_\_\_\_\_, 2007

ASKEW & ASSOCIATES

16  
17 By:  \_\_\_\_\_

18 James A. Askew  
19 Attorneys for Plaintiff and Counterclaim  
20 Defendant KINGSLEY-BATE LTD.

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22  
23 Dated: 5/2/07, 2007

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